

ESTTA Tracking number: **ESTTA552553**

Filing date: **08/06/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Gruma Corporation
Granted to Date of previous extension	08/07/2013
Address	1159 Cottonwood Lane, Suite 200 Irving, TX 75038 UNITED STATES
Attorney information	John M Cone Hitchcock Evert LLP P.O. Box 131709 Dallas, TX 75313 UNITED STATES jcone@hitchcockevert.com, docket@hitchcockevert.com, ksimpson@hitchcockevert.com Phone:214 880 7002

Applicant Information

Application No	85735163	Publication date	04/09/2013
Opposition Filing Date	08/06/2013	Opposition Period Ends	08/07/2013
Applicant	CHINO-LATINO, INC. 2801 University Avenue San Diego, CA 92104 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 1996/00/00 First Use In Commerce: 1996/00/00
All goods and services in the class are opposed, namely: Restaurant services, namely, providing of food and beverages for consumption on and off the premises

Applicant Information

Application No	85735180	Publication date	04/09/2013
Opposition Filing Date	08/06/2013	Opposition Period Ends	
Applicant	CHINO-LATINO, INC. 2801 University Avenue San Diego, CA 92104 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 1996/00/00 First Use In Commerce: 1996/00/00

All goods and services in the class are opposed, namely: Restaurant services, namely, providing of food and beverages for consumption on and off the premises

Applicant Information

Application No	85735220	Publication date	04/09/2013
Opposition Filing Date	08/06/2013	Opposition Period Ends	
Applicant	CHINO-LATINO, INC. 2801 University Avenue San Diego, CA 92104 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 1996/00/00 First Use In Commerce: 1996/00/00
All goods and services in the class are opposed, namely: Restaurant services, namely, providing of food and beverages for consumption on and off the premises

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1216032	Application Date	03/19/1980
Registration Date	11/09/1982	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1959/07/11 First Use In Commerce: 1980/01/06 Corn Tortillas, Wheat Flour Tortillas, Taco Shells, Tostados Shells [, and Mexican Bread]		

U.S. Registration No.	1785711	Application Date	12/08/1992
Registration Date	08/03/1993	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1982/11/00 First Use In Commerce: 1982/11/00 processed jalapeno peppers and fried pork rinds Class 030. First use: First Use: 1982/11/00 First Use In Commerce: 1982/11/00 tortilla chips, [bread, cookies, cakes,] salsas, taco sauce, and cheese sauce		

U.S. Registration No.	2529463	Application Date	08/14/2000
Registration Date	01/15/2002	Foreign Priority Date	NONE

Word Mark	MISSION
Design Mark	
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2000/07/00 First Use In Commerce: 2000/07/00 tortillas

U.S. Registration No.	2529464	Application Date	08/14/2000
Registration Date	01/15/2002	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2000/05/00 First Use In Commerce: 2000/05/00 tortillas and tortilla chips		

U.S. Registration No.	2587997	Application Date	03/22/2001
Registration Date	07/02/2002	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2000/04/15 First Use In Commerce: 2000/10/15 tortillas		

U.S. Registration No.	2591165	Application Date	03/22/2001
Registration Date	07/09/2002	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2000/04/15 First Use In Commerce: 2000/11/15 gorditas		

U.S. Registration No.	2675468	Application Date	08/14/2000
Registration Date	01/14/2003	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2000/11/00 First Use In Commerce: 2000/11/00		

	tostados [and taco shells]		
U.S. Registration No.	2679614	Application Date	08/14/2000
Registration Date	01/28/2003	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2000/05/00 First Use In Commerce: 2000/05/00 tortillas [and tortilla chips]		
U.S. Registration No.	2744724	Application Date	08/14/2000
Registration Date	07/29/2003	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2000/11/00 First Use In Commerce: 2000/11/00 fried pork rinds Class 030. First use: First Use: 2000/11/00 First Use In Commerce: 2000/11/00 taco shells, tostados		
U.S. Registration No.	3243446	Application Date	10/23/2006
Registration Date	05/22/2007	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2000/01/00 First Use In Commerce: 2000/01/00 tortilla products, namely, wraps		
U.S. Registration No.	3243447	Application Date	10/23/2006
Registration Date	05/22/2007	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	The mark consists of the word MISSION, the design of a bell, and an arch design.		
Goods/Services	Class 030. First use: First Use: 2000/05/00 First Use In Commerce: 2000/05/00 tortilla products, namely, wraps		
U.S. Registration No.	3243448	Application Date	10/23/2006

Registration Date	05/22/2007	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	The mark consists of the word MISSION, a rectangle, a bell, an arch, a ribbon, a back panel, a semi circle.		
Goods/Services	Class 030. First use: First Use: 2000/05/00 First Use In Commerce: 2000/05/00 tortilla products, namely, wraps		

U.S. Registration No.	3246033	Application Date	10/23/2006
Registration Date	05/29/2007	Foreign Priority Date	NONE
Word Mark	MISSION WRAPS		
Design Mark			
Description of Mark	The mark consists of the word MISSION, the word WRAPS, a rectangle, a bell, an arch, a ribbon, a semi circle.		
Goods/Services	Class 030. First use: First Use: 2000/01/00 First Use In Commerce: 2000/01/00 tortilla products, namely, wraps		

U.S. Registration No.	3462007	Application Date	11/26/2007
Registration Date	07/08/2008	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" in white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the housing around the bell is yellow with a gold border outlined in black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the ring below the rectangle containing the word "MISSION" is yellow with a gold border outlined in black; the sheaves of wheat are yellow and gold; the scarf design below the rectangle containing the word "MISSION" is dark green with a red underside and a red fringe.		
Goods/Services	Class 030. First use: First Use: 2000/11/00 First Use In Commerce: 2000/11/00 tortillas, gorditas		

U.S. Registration No.	3462008	Application Date	11/26/2007
Registration Date	07/08/2008	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" in white; the rectangle containing the word "MISSION" is red with a gold border outlined in black; the housing around the bell is yellow with a gold border outlined in black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the ring below the rectangle containing the word		

	"MISSION" is yellow with a gold border outlined in black; the ear of corn is yellow and gold; the scarf design below the rectangle containing the word "MISSION" is dark green with a red underside and red fringe.
Goods/Services	Class 030. First use: First Use: 2000/10/00 First Use In Commerce: 2000/10/00 tortillas, tostadas

U.S. Registration No.	3537049	Application Date	05/29/2008
Registration Date	11/25/2008	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" in white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the housing around the bell is yellow with a gold border outlined in white and black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the half ring below the rectangle containing the word "MISSION" is yellow with a gold border outlined in white and black; the sheaves of wheat are yellow, gold and white; the banner below the rectangle containing the word "MISSION" is outlined in black and contains a yellow stripe across the top and bottom, the upper portion of the banner is light brown and the lower portion of the banner is dark brown.		
Goods/Services	Class 030. First use: First Use: 2000/07/00 First Use In Commerce: 2000/07/00 Tortillas		

U.S. Registration No.	3537050	Application Date	05/29/2008
Registration Date	11/25/2008	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" in white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the housing around the bell is yellow with a gold border outlined in white and black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the half ring below the rectangle containing the word "MISSION" is yellow with a gold border outlined in white and black; the sheaves of wheat are yellow, gold and white; the banner below the rectangle containing the word "MISSION" is outlined in black and contains a yellow stripe across the top and bottom, the upper portion of the banner is green and the lower portion of the banner is red.		
Goods/Services	Class 030. First use: First Use: 2000/07/00 First Use In Commerce: 2000/07/00 Tortillas		

U.S. Registration No.	3537051	Application Date	05/29/2008
Registration Date	11/25/2008	Foreign Priority Date	NONE
Word Mark	MISSION		

Design Mark	
Description of Mark	The mark consists of the word "MISSION" in white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the housing around the bell is yellow with a gold border outlined in white and black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the half ring below the rectangle containing the word "MISSION" is yellow with a gold border outlined in white and black; the sheaves of wheat are yellow, gold and white; the banner below the rectangle containing the word "MISSION" is outlined in black and contains a yellow stripe across the top and bottom, the upper portion of the banner is red and the lower portion of the banner is green.
Goods/Services	Class 030. First use: First Use: 2000/07/00 First Use In Commerce: 2000/07/00 Tortillas

U.S. Registration No.	3537052	Application Date	05/29/2008
Registration Date	11/25/2008	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" in white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the housing around the bell is yellow with a gold border outlined in white and black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the half ring below the rectangle containing the word "MISSION" is yellow with a gold border outlined in white and black; the sheaves of wheat are yellow, gold and white; the banner below the rectangle containing the word "MISSION" is outlined in black and contains a yellow stripe across the top and bottom, the upper portion of the banner is red and the lower portion of the banner is blue.		
Goods/Services	Class 030. First use: First Use: 2000/07/00 First Use In Commerce: 2000/07/00 Tortillas		

U.S. Registration No.	3537053	Application Date	05/29/2008
Registration Date	11/25/2008	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" is white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the housing around the bell is yellow with a gold border outlined in white and black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the half ring below the rectangle containing the word "MISSION" is yellow with a gold border outlined in white and black; the sheaves of wheat are yellow, gold and white; the banner below the rectangle containing the word "MISSION" is outlined in black and contains a yellow stripe across the top and bottom, the upper portion of the banner is white and the lower portion of the banner is light blue.		

Goods/Services	Class 030. First use: First Use: 2005/04/00 First Use In Commerce: 2005/04/00 Tortillas		
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U.S. Registration No.	3539989	Application Date	04/15/2008
Registration Date	12/02/2008	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" is white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the housing around the bell is yellow with a gold border outlined in black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining.		
Goods/Services	Class 029. First use: First Use: 2001/03/00 First Use In Commerce: 2001/03/00 processed jalapeno peppers, guacamole dips, bean dips, dips Class 030. First use: First Use: 2000/05/00 First Use In Commerce: 2000/05/00 tortillas; tortilla products, namely, wraps; taco shells, gorditas, wheat-based snack foods, salsas, cheese sauces		

U.S. Registration No.	3546823	Application Date	05/23/2008
Registration Date	12/16/2008	Foreign Priority Date	NONE
Word Mark	INCENTIVE LIFE LEGACY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2006/09/05 First Use In Commerce: 2006/09/05 Investment management in the field of variable life insurance, issuance and administration of variable life insurance		

U.S. Registration No.	3512400	Application Date	03/31/2008
Registration Date	10/07/2008	Foreign Priority Date	NONE
Word Mark	MISSION WRAPS		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" is white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the word "WRAPS" is brown with white shadowing; the back rectangular portion, the half ring portion below the banner and the housing around the bell is yellow with a gold border outlined in black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the banner is brown outlined in black, the banner contains a yellow line across the top and bottom.		
Goods/Services	Class 030. First use: First Use: 2000/01/00 First Use In Commerce: 2000/01/00 tortilla products, namely, wraps		

U.S. Registration No.	3512401	Application Date	03/31/2008
Registration Date	10/07/2008	Foreign Priority Date	NONE
Word Mark	MISSION WRAPS		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" is white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the word "WRAPS" is green with white shadowing; the back rectangular portion, the half ring portion below the banner and the housing around the bell is yellow with a gold border outlined in black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the banner is green outlined in black, the banner contains a yellow line across the top and bottom.		
Goods/Services	Class 030. First use: First Use: 2000/01/00 First Use In Commerce: 2000/01/00 tortilla products, namely, wraps		

U.S. Registration No.	3512402	Application Date	03/31/2008
Registration Date	10/07/2008	Foreign Priority Date	NONE
Word Mark	MISSION WRAPS		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" is white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the word "WRAPS" is purple with white shadowing; the back rectangular portion, the half ring portion below the banner and the housing around the bell is yellow with a gold border outlined in black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the banner is purple outlined in black and has a yellow line across the top and the bottom.		
Goods/Services	Class 030. First use: First Use: 2000/01/00 First Use In Commerce: 2000/01/00 tortilla products, namely, wraps		

U.S. Registration No.	3512403	Application Date	03/31/2008
Registration Date	10/07/2008	Foreign Priority Date	NONE
Word Mark	MISSION WRAPS		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" is white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the word "WRAPS" is white with black shadowing; the back rectangular portion, the half ring portion below the banner and the housing around the bell is yellow with a gold border outlined in black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the banner is white outlined in black, the banner contains a gold band across the top		

	and bottom.
Goods/Services	Class 030. First use: First Use: 2000/01/00 First Use In Commerce: 2000/01/00 tortilla products, namely, wraps

U.S. Registration No.	3512404	Application Date	03/31/2008
Registration Date	10/07/2008	Foreign Priority Date	NONE
Word Mark	MISSION WRAPS		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" is white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the word "WRAPS" is green with white shadowing; the back rectangular portion, the half ring portion below the banner and the housing around the bell is yellow with a gold border outlined in black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the banner is green outlined in black, the banner contains a yellow line across the top and bottom.		
Goods/Services	Class 030. First use: First Use: 2000/01/00 First Use In Commerce: 2000/01/00 tortillas products, namely, wraps		

U.S. Registration No.	3512405	Application Date	03/31/2008
Registration Date	10/07/2008	Foreign Priority Date	NONE
Word Mark	MISSION WRAPS		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" is white; the rectangle containing the word "MISSION" is red with a yellow border outlined in black; the word "WRAPS" is red with white shadowing; the back rectangular portion, the half ring portion below the banner and the housing around the bell is yellow with a gold border outlined in black; the designs on either side of the opening containing the bell are gold; the bell is red with black shading/markings on the right side and gold and yellow shading/markings on the left side; the bell handle is black and the bar holding the bell is red with black markings and outlining; the banner is red outlined in black and has a yellow line across the top and the bottom.		
Goods/Services	Class 030. First use: First Use: 2000/01/00 First Use In Commerce: 2000/01/00 tortilla products, namely, wraps		

U.S. Registration No.	3634622	Application Date	10/27/2008
Registration Date	06/09/2009	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" in a rectangle; above the rectangle is a bell tower with a bell.		
Goods/Services	Class 043. First use: First Use: 2007/02/14 First Use In Commerce: 2007/02/14 providing a database in the field of recipes and cooking information Class 044. First use: First Use: 2007/02/14 First Use In Commerce: 2007/02/14		

	providing nutritional information via an online website		
U.S. Registration No.	4034776	Application Date	03/01/2011
Registration Date	10/04/2011	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2011/02/00 First Use In Commerce: 2011/02/00 taco kits consisting of taco shells, taco sauce and seasoning; wrap kits consisting of tortillas, dressing and seasoning		
U.S. Registration No.	4205280	Application Date	01/25/2012
Registration Date	09/11/2012	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	The mark consists of the word "MISSION" in a rectangle design. Below the rectangle containing the word "MISSION" is a two-part banner design starting from underneath the left hand side of the rectangle and ending just past the right hand end corner of the rectangle. Above the rectangle is an arch design containing a bell in an opening with a flower-like design on either side of the opening.		
Goods/Services	Class 030. First use: First Use: 2011/02/00 First Use In Commerce: 2011/02/00 taco shells		
U.S. Registration No.	4339381	Application Date	08/24/2011
Registration Date	05/21/2013	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2012/10/00 First Use In Commerce: 2012/10/00 flatbreads		
U.S. Registration No.	4343167	Application Date	08/08/2011
Registration Date	05/28/2013	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2012/09/00 First Use In Commerce: 2012/09/00 crackers		

Attachments	130806 Notice of Opposition.pdf(72847 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ John M. Cone
Name	John M Cone
Date	08/06/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Applications Serial Nos. 85/735,163 THE MISSION and
Design, 85/735,180 THE MISSION CONSCIENTIOUS CUISINE and 85/735,220
THE MISSION CONSCIENTIOUS CUISINE and Design**

<hr/> GRUMA CORPORATION,	§	
Opposer,	§	
	§	
v.	§	Opposition No. _____
	§	
CHINO-LATINO, INC.,	§	
Applicant.	§	
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TO THE HONORABLE TRADEMARK TRIAL AND APPEAL BOARD:

NOTICE OF OPOSITION

1. Gruma Corporation ("Gruma") is the owner of the famous trademark MISSION used continuously since as long ago as 1959 for tortillas and other Mexican food products. Gruma owns numerous registrations of marks consisting of or including MISSION for these products. As of today, almost a quarter of all tortillas sold throughout the world are produced by Gruma and members of the Gruma group of companies.

2. Gruma is the owner of the following registrations that are duly and validly registered on the Principal Register:

<u>Mark</u>	<u>Reg. No.</u>	<u>Goods</u>
MISSION	1,216,032	Corn tortillas, wheat flour tortillas, taco shells, tostados shells, and Mexican bread
MISSION	1,785,711	Processed jalapeno peppers and fried pork rinds; tortilla chips, salsas, taco sauce, and cheese sauce

<u>Mark</u>	<u>Reg. No.</u>	<u>Goods</u>
MISSION and Wheat Design	2,529,463	Tortillas
MISSION and Design	2,529,464	Tortillas and tortilla chips
MISSION and Scarf and Corn Design	2,587,997	Tortillas
MISSION and Design	2,591,165	Gorditas
MISSION and Design	2,675,468	Tostadas
MISSION and Design	2,679,614	Tortillas and tortilla chips
MISSION and Design	2,744,724	Fried pork rinds; taco shells, tostados
MISSION	3,243,446	Tortilla products, namely, wraps
MISSION and Design	3,243,447	Tortilla products, namely, wraps
MISSION and Panel and Bell Design	3,243,448	Tortilla products, namely, wraps
MISSION WRAPS and Design	3,246,033	Tortilla products, namely, wraps
MISSION and Scarf and Wheat Design	3,462,007	Tortillas, gorditas
MISSION and Scarf and Wheat Design	3,462,008	Tortillas, tostados
MISSION and Wheat Design	3,537,049	Tortillas
MISSION and Wheat Design	3,537,050	Tortillas
MISSION and Wheat Design	3,537,051	Tortillas
MISSION and Wheat Design	3,537,052	Tortillas
MISSION and Wheat Design	3,537,053	Tortillas
MISSION and Bell Design	3,539,989	Processed jalapeno peppers, guacamole dips, bean dips, dips; tortillas; tortilla products, namely, wraps; taco shells, gorditas, wheat-based snack foods, salsas, cheese sauces

<u>Mark</u>	<u>Reg. No.</u>	<u>Goods</u>
MISSION and Wheat Design	3,546,832	Tortillas
MISSION WRAPS	3,512,400	Tortilla products, namely, wraps
MISSION WRAPS and Design	3,512,401	Tortilla products, namely, wraps
MISSION WRAPS and Design	3,512,402	Tortilla products, namely, wraps
MISSION WRAPS and Design	3,512,403	Tortilla products, namely, wraps
MISSION WRAPS and Design	3,512,404	Tortilla products, namely, wraps
MISSION WRAPS and Design	3,512,405	Tortilla products, namely, wraps
MISSION and Bell Design	3,634,622	Providing a database in the field of recipes and cooking information; Providing nutritional information via an online website
MISSION	4,034,776	Taco kits consisting of taco shells, taco sauce and seasoning; wrap kits consisting of tortillas, dressing and seasoning
MISSION and Design	4,205,280	Taco shells
MISSION	4,339,381	Flatbreads
MISSION	4,343,167	Crackers

3. Each of the registrations identified in paragraph 2 constitutes *prima facie* evidence of the validity of the registered mark, and of the registration of the mark, and of Gruma's exclusive right to use the registered mark in commerce on the goods of the registration and are constructive notice of Gruma's ownership of the mark.

4. In addition, Gruma's right to use each of the marks of Registrations Nos. 1,216,032, 1,785,711, 2,529,463, 2,529,464, 2,587,997, 2,591,165,

2,675,468, 2,679,614, 3,243,446 and 3,243,447 has become incontestable under 15 U.S.C. § 1065 and each of those registrations is conclusive evidence of the validity of the registered mark, of the registration of the mark, of Gruma's ownership of the mark, and of Gruma's exclusive right to use the registered mark in commerce for the goods of the registration.

5. Gruma's rights in the mark MISSION were established long before the priority date of each of Applicant's marks, which are the subject respectively of applications Nos. 85/735,163, 85/735,180 and 85/735,220 (the "Marks Applied For").

6. The Marks Applied For so resembles Gruma's mark MISSION and the various forms of that mark that Gruma has used in the United States and that are the subject of the registrations listed in Paragraph 2 hereof, that use of the Marks Applied For, for the services identified in the opposed applications, viz, restaurant services, namely providing of food and beverages for consumption on or off the premises, would be likely to cause confusion, or to cause mistake, or to deceive. 15 U.S.C. § 1052(d).

7. The services of the applications opposed include the provision of tortillas, tortilla chips, taco shells, guacamole dips, salsas and cheese dips and food items including these products. These goods are the same as the goods sold by Gruma under its famous mark MISSION. Likelihood of confusion has been found in a number of cases involving the use of the same or similar marks for restaurant services on the one hand and food products on the other.

8. For the reasons set out above, Gruma is being damaged because any of applications Nos. 85/735,163, 85/735,180 and 85/735,220, if granted, would create statutory rights in violation of Gruma's established rights.

WHEREFORE, Gruma prays that judgment be entered refusing applications Nos. 85/735,163, 85/735,180 and 85/735,220 and for such other and further relief that the Board find just and proper.

Dated: August 6, 2013

Respectfully submitted,

/s/ John M. Cone

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of August 2013, a true and correct copy of the foregoing document was served on Applicant by mailing copies via U.S. First Class Mail, postage prepaid to:

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